

**CWP-37266-2019(O&M);
CWP-5641-2020(O&M);
CWP-5086-2020(O&M);
CWP-10773-2020(O&M);
CWP-14146-2020(O&M);
CWP-3807-2021(O&M); and
COCp-1526-2020 (O&M)**

-:1:-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CWP-37266-2019(O&M)

Anand and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

2. CWP-5641-2020(O&M)

Narender Singh and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

3. CWP-5086-2020(O&M)

Vikas and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

4. CWP-10773-2020(O&M)

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CWP-5641-2020(O&M);
CWP-5086-2020(O&M);
CWP-10773-2020(O&M);
CWP-14146-2020(O&M);
CWP-3807-2021(O&M); and
COCP-1526-2020 (O&M)**

-:2:-

Ajay Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

5. CWP-14146-2020(O&M)

Mandeep and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

6. CWP-3807-2021(O&M)

Ashwin Kumar Sheoran and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

7. COCP-1526-2020 (O&M)

Anand

..... Petitioner

Versus

Sh.Bharat Bhushan Bharti and another

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CWP-5086-2020(O&M);
CWP-10773-2020(O&M);
CWP-14146-2020(O&M);
CWP-3807-2021(O&M); and
COCP-1526-2020 (O&M)**

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..... Respondents

Reserved on 8.10.2021

Date of pronouncement :-12.10.2021

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr.Rajesh Hooda, Advocate
for the petitioner(s) in CWP-37266-2019, CWP-5086-2020,
CWP-10773-2020, CWP-14146-2020 & COCP-1526-2020.

Mr.Gagandeep Toni, Advocate
for the petitioners in CWP-5641-2020.

Mr.Ravinder Singh Dhull, Advocate
for the petitioners in CWP-3807-2021.

Ms.Shubhra Singh, Addl. A.G., Haryana
for the respondents No.1 and 2.

Mr.V.R. Mahajan, Sr. Advocate with
Ms.Nikita Goel, Advocate
for respondent No.3.

Mr.Hitesh Pandit, Advocate
for respondents No.4 to 6.

H.S. MADAAN, J.

Vide this order, I shall dispose of total seven petitions, six of which are Civil Writ Petitions i.e. **CWP-37266-2019, CWP-5641-2020, CWP-5086-2020, CWP-10773-2020, CWP-14146-2020 and CWP-3807-2021** and the seventh is **COCP-1526-2020**.

Briefly stated, the facts of the case are that Haryana Staff Selection Commission, Panchkula (hereinafter referred to as HSCC) –

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respondent No.3 in six civil writ petitions, had issued an advertisement No.3/2016 dated 20.2.2016 vide which under category No.1, total number of 2426 posts of Shift Attendants were re-advertised because the earlier advertisement issued in the year 2013 had been withdrawn. The posts under category Special Backward Category (hereafter referred to as SBC) were kept pending on account of pendency of a Court case regarding the reservation under SBC category. Petitioner No.1 – Anand and petitioner No.2 - Jagdeep under general category and petitioner No.3 - Lalit Dhiman under BCA category in **CWP-37266-2019**, petitioners Narender Singh and Gurumeet Singh under general category in **CWP-5641-2020**, petitioner No.1 – Vikas under BCA category and petitioners No.2 and 3 namely Sandeep and Dinesh under general category in **CWP-5086-2020**, petitioner Ajay Kumar under general category in **CWP-10773-2020**, petitioner No.1 – Mandeep under General category, petitioner No.2 – Amit Kuamr under BCA category and petitioner No.3 – Nathi Ram under BCB category of **CWP-14146-2020** and petitioners Ashwin Kumar, Jaiveer and Somvir under general category in **CWP-3807-2021** had taken up the written examination held on 29.5.2016 and cleared the same. They were called for scrutiny of documents, where they appeared. They faced interview also. Thereafter, final result was declared on 8.3.2019. Unfortunately, the petitioners could not make it to the list of selected candidates.

According to the petitioners, 268 posts of Shift Attendants,

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which had been kept pending belonging to SBC category have been directed by Government to be considered under general category and if such posts are filled up from candidates belonging to general category, then the petitioners are likely to be selected.

The petitioners of all the six civil writ petitions feeling aggrieved by the action of HSSC in not doing so and remaining respondents being also averse to filling up of those 268 posts from candidates belonging to general category, have filed separate writ petitions. Notice of the writ petitions was given to the respondents, who put in appearance and are resisting the petitions.

I have heard learned counsel for parties besides going through the record and I find that all the civil writ petitions are devoid of merit and are doomed for failure.

A perusal of the advertisement in question goes to show that it was with regard to filling up of 2426 posts and those 268 posts are not included in the advertisement. As regards the objection raised on behalf of the petitioners that if 268 withheld posts are not considered part of the advertisement, then the posts under the reserved categories were in excess to their entitlement depriving the candidates belonging to general category of several posts but then it has to be taken into view that in all the six writ petitions, the petitioners have not challenged the advertisement in question on this point or on any other point, rather they had applied in response to

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this very advertisement participated in the written test, scrutiny of documents and the interview and when the result was declared, their marks were less than the last selected candidate under their respective category. It being so, now the petitioners are estopped from finding faults with the advertisement in any manner.

Secondly, the petitioners have not challenged the entire selection process, rather they themselves had participated therein. The result is said to have been declared on 8.3.2019 and selected candidates are said to have joined their duties, as such, the writ petitions cannot be accepted in any manner.

Thirdly, 268 posts, which had been reserved under SBC category and had been kept pending have been declared to be posts under general category. Since the reservation granted to SBC category has been withdrawn by Haryana Government on 1.4.2016 and now the matter is said to have been taken up with HSSC to fill up such posts, as and when the posts are advertised, the petitioners can apply in response thereto and participate in the selection process. They cannot possibly say that those posts, which were not part of advertisement No.3/2016 be taken to be covered by that advertisement and filled up by the candidates, who could not be selected as against the original number of posts i.e. 2426 covered by that advertisement. This can certainly be not allowed by any stretch of imagination.

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Therefore, CWP-37266-2019(O&M), CWP-5641-2020(O&M), CWP-5086-2020(O&M), CWP-10773-2020(O&M), CWP-14146-2020(O&M) and CWP-3807-2021(O&M) stand dismissed accordingly.

COCP-1526-2020 had been filed by petitioner – Anand for not complying with the order dated 24.5.2019 passed by this Court in CWP-12234 of 2019. A perusal of this order goes to show that it is recorded therein that learned State counsel had informed that after declaration of the result of General category posts, which have been converted from SBC to General category, individual marks of all the unsuccessful/non-selected candidates will be uploaded on the web-site of respondent – Commission. In view of that fact, the said writ petition was disposed of.

However, in reply to the contempt petition, it has been categorically stated that HSSC has already issued notice dated 7.11.2019 to the candidates vide which the detailed result for the posts of Shift Attendants against advertisement No.3/2016 category No.1 was uploaded, copy of that notice has been attached with the reply. It has been clarified that as regards conversion of posts from SBC to General category, no post was advertised for SBC category in advertisement 3/2016 Annexure P1 as mentioned in the order dated 24.5.2019 and statement was inadvertently made during the course of hearing and an application for modification of the order is being moved. In the end, unqualified apology has been tendered.

In response to the contention of learned counsel for the

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petitioner that entire result of examination is not available on the official web-site of HSSC and respective candidates can see his own result only, learned Senior counsel appearing for respondent No.3 has stated that the result of the selected candidates will be put on the official web-site of HSSC so that any person from general public can see the same.

Under the circumstances, no ground for initiating any contempt proceedings against any of the respondents or any officer of HSSC is made out and **COCP-1526-2020** stands dismissed accordingly.

**(H.S. MADAAN)
JUDGE**

12.10.2021
Brij

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**